

IN THE CLAIMS:

Please amend the claims as follows:

Claim 1 (Currently Amended): A cartridge, which can be detachably attached to an immunochromatographic test reader with a structure that illuminates measuring light onto an immunochromatographic test strip included in an immunochromatographic test utensil and that detects light arising from said immunochromatographic test strip as a result of illumination of the measuring light, comprising:

a holding section for holding said immunochromatographic test utensil that is removable to said holding section;

information storage means for storing information concerning said immunochromatographic test utensil; and

a structure for introducing said immunochromatographic test utensil to a position where the measuring light is illuminated onto said immunochromatographic test strip included in said immunochromatographic test utensil; and

a partition means for spatially separating said information storage means from said immunochromatographic test utensil in the condition that said immunochromatographic test utensil is held by said holding section.

Claim 2 (Original): A cartridge according to claim 1, wherein the information concerning said immunochromatographic test utensil includes information concerning an inspection using said immunochromatographic test utensil.

Claim 3 (Original): A cartridge according to claim 1, wherein the information concerning said immunochromatographic test utensil includes information that identifies said immunochromatographic test utensil.

Claim 4 (Original): A cartridge according to claim 1, wherein the information concerning said immunochromatographic test utensil includes information concerning a colored region reading process corresponding to said immunochromatographic test strip included in said immunochromatographic test utensil.

Claim 5 (Original): A cartridge according to claim 1, wherein said immunochromatographic test utensil includes a casing that holds said immunochromatographic test strip, and

wherein the information concerning said immunochromatographic test utensil includes information concerning a colored region reading process corresponding to said casing included in said immunochromatographic test utensil.

Claim 6 (Original): A cartridge according to claim 1, wherein the information concerning said immunochromatographic test utensil includes information concerning a method of reading by said reader.

Claim 7 (Original): A cartridge according to claim 1, wherein the information concerning said immunochromatographic test utensil includes information concerning methods of performing computations on data obtained by said reader.

Claim 8 (Original): A cartridge according to claim 1, wherein the information concerning said immunochromatographic test utensil includes information concerning colored regions read by said reader.

Claim 9 (Original): A cartridge according to claim 1, further comprising: information sending means, sending the information concerning said immunochromatographic test utensil, stored in said information storage means, to said reader.

Claim 10 (Original): A cartridge according to claim 1, further comprising: a label for identifying said immunochromatographic test utensil.

Claim 11 (Original): A cartridge according to claim 1, wherein said holding section comprises a recess with a shape corresponding to the outer shape of said immunochromatographic test utensil.

Claim 12 (Original): A cartridge according to claim 1, further comprising: a first surface facing said immunochromatographic test utensil held in said holding section; a second surface opposing said first surface; and a through hole, arranged at a portion of said holding section that overlaps with said immunochromatographic test utensil, communicating said first surface and said second surface.

Claim 13 (Previously Presented): An immunochromatographic test reader, with a structure that illuminates measuring light onto an immunochromatographic test strip included in an immunochromatographic test utensil and that detects light arising from said immunochromatographic test strip as a result of illumination of the measuring light, comprising:

 a structure for holding a cartridge according to claim 1 at a position where the measuring light is illuminated onto said immunochromatographic test strip; and

 information acquiring means for acquiring information concerning said immunochromatographic test utensil stored in said information storage means, in the state in which said cartridge is mounted.

Claim 14 (Original): An immunochromatographic test reader according to claim 13, further comprising:

 an illuminating optical system illuminating the measuring light onto said immunochromatographic test strip; and

 a detecting optical system detecting a reflected light from said immunochromatographic test strip resulting from the illumination of the measuring light by said illuminating optical system;

 wherein said holding section of said cartridge includes a recess of a shape corresponding to the outer shape of said immunochromatographic test utensil, and said recess has a depth such that the optical axis of said illuminating optical system and the optical axis of said detecting optical system intersect at a surface of said immunochromatographic test strip included in said immunochromatographic test utensil in the state of being fitted into said recess.

Claim 15 (Original): An immunochromatographic test reader according to claim 14, wherein said cartridge comprises:

 a first surface facing said immunochromatographic test utensil held in said holding section;

 a second surface opposing said first surface; and

 a through hole, arranged at a portion of said holding section that overlaps with said immunochromatographic test utensil, communicating said first surface and said second surface;

 wherein said reader further comprises a structure for exposing said through hole, provided in said cartridge, to the exterior of said reader in the state wherein said cartridge is introduced inside said reader.

Claim 16 (Original): An immunochromatographic test reader according to claim 13, further comprising:

 an illuminating optical system illuminating the measuring light onto said immunochromatographic test strip;

 a detecting optical system detecting a reflected light from said immunochromatographic test strip resulting from the illumination of the measuring light by said illuminating optical system;

 an optical head on which said illuminating optical system and said detecting optical system are provided; and

 a scanning mechanism moving said cartridge introduced in said reader and said optical head in a relative manner.

Claim 17 (Original): An immunochromatographic test reader according to claim 16, wherein said scanning mechanism moves said cartridge and said optical head relative to each other at a first speed during a period, in which the measuring light is illuminated onto said immunochromatographic test strip via a window provided in said immunochromatographic test utensil, and moves said cartridge and said optical head relative to each other at a second speed higher than the first speed during a period, in which the measuring light is illuminated onto portions besides the window provided in said immunochromatographic test utensil.

Claim 18 (Currently Amended): An immunochromatographic test strip inspection system comprising:

an immunochromatographic test reader according to claim 13; and
~~means~~ an information processing apparatus that stores, in associated form, information concerning said immunochromatographic test utensil, which are stored in said information storage means, and information concerning colored regions read by said reader.

Claim 19 (Original): An inspection system according to claim 18, wherein the information concerning said colored regions read by said reader are sent to said cartridge and stored in said information storage means of said cartridge.

Claim 20 (New): A cartridge, which can be detachably attached to an immunochromatographic test reader with a structure that illuminates measuring light onto an immunochromatographic test strip included in an immunochromatographic test utensil and that

detects light arising from said immunochromatographic test strip as a result of illumination of the measuring light, comprising:

 a holding section for holding said immunochromatographic test utensil;

 information storage means for storing information concerning said immunochromatographic test utensil;

 a structure for introducing said immunochromatographic test utensil to a position where the measuring light is illuminated onto said immunochromatographic test strip included in said immunochromatographic test utensil; and

 a connecting terminal section for building up an information path between said information storage means and said immunochromatographic test reader in the condition that said cartridge is attached to said immunochromatographic test reader.

Summary of the Office Action

The disclosure is objected to for alleged informalities.

Claims 18 and 19 stand rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite.

Claims 1-19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shareef (U.S. Patent No. 6,239,445) (hereinafter “Shareef”) in view of Anderson et al., (U.S. Patent No. 6,394,952) (hereinafter “Anderson”).

Summary of the Response to the Office Action

Applicants have amended claims 1 and 18 and added new claim 20 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims.

Objection to the Disclosure

The disclosure is objected to for alleged informalities. Correction is required. More specifically, at page 2, section 1 of the Office Action, the Examiner alleges that “there are two paragraphs [0012] and two paragraphs [0013]. The two separate paragraphs [0012] are identical while the two separate paragraphs [0013] are different from each other.” This objection, and it’s associated requirement for correction, appears to be in error because, as is evident from pages 4-6 of the specification of the instant application, as-filed on February 17, 2006 in the USPTO,

there is only one paragraph [0012] and also only one paragraph [0013]. To the extent that the Examiner might maintain such an assertion, the Examiner is respectfully requested to explain which page(s) of the originally-filed specification the Examiner was referring to in page 2, section 1 of the Office Action. Upon review of the specification papers, as filed in the USPTO on February 17, 2006, Applicants were unable to locate the issues raised by the Examiner in the Office Action in this regard. Accordingly, withdrawal of the objection to the disclosure, and the associated requirement for correction, is respectfully requested.

Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 18 and 19 stand rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Applicants have amended claim 18 in order to improve the form of the claims in response to the Examiner's comments at page 2, section 3 of the Office Action. More particularly, Applicants respectfully submit that the claimed "means," referred to by the Examiner, corresponds, for example, to the external information processing apparatus (PC) of Fig. 19, and this configuration is supported, for example, by paragraphs [0100] and [0101] of the specification of the instant application. Accordingly, claim 18 has been amended to improve the form of the claims in this regard. Applicants respectfully submit that all of the currently pending claims, as amended, fully comply with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claims 1-19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shareef in view of Anderson. Applicants have amended claims 1 and 18 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Independent claim 1 of the instant application has been newly-amended to describe an advantageous combination of features of a cartridge which now includes a “partition means” as a new claim feature. The claimed “partition means” refers to surfaces of the cartridge that define an inner space of the cartridge, not P1 shown in Fig. 1.

The previously presented claims 1-19 are rejected on the basis of the combination of Shareef and Anderson. As conceded to by the Examiner at page 4 of the Office Action, the cartridge of Shareef does not have an information storage means. However, the Examiner then applies Anderson as allegedly curing the deficiencies of Shareef in this regard.

Applicants respectfully traverse such an assertion at least because while Anderson describes a bar code 216 provided on the outer surface of the test device, it is visible information in this configuration. Accordingly, if the bar code of Anderson is provided on the cartridge of Shareef, in the manner asserted by the Examiner in the Office Action, such a visible bar code can be provided on only outer surfaces of the cartridge of Shareef because a bar code accommodated in the cartridge cannot be visually checked from outside of the cartridge.

In contrast, the cartridge, as described in the advantageous combination of features of independent claim 1 of the instant application, accommodates the information storage means into

the inner space of the cartridge itself. Such an arrangement is particularly different from the arrangements disclosed in the applied art of record.

In addition, Applicants have added a new independent claim 20 in the instant Amendment paper. Applicants respectfully submit that newly-added claim 20 basically corresponds to the configuration of independent claim 1, but is different from independent claim 1, for example, in that it defines a connecting terminal section instead of the partition means. Furthermore, Applicants respectfully submit that the invention as claimed in newly-added claim 20 defines a connecting terminal section for building up an information path between the information storage means and the immunochromatographic test reader.

Applicants respectfully submit that neither of these cited references, whether taken separately or combined, teach or suggest such an advantageous combination of features, as described in either of independent claims 1 and 20 of the instant application. As described above, independent claims 1 and 20 each define special features that neither of these two cited reference describe. Accordingly, Applicants respectfully submit that the claims in the currently amended claim set are patentable over the cited references.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Shareef and Anderson, whether taken separately or combined, do not teach or suggest each feature of independent claims 1 and 20 of the instant application. As pointed out by MPEP § 2143.03, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.’ In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).”